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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,745	02/21/2002	David Raymond Posh	AUS920010933US1	5306

7590   07/14/2005

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EXAMINER
NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/082,745	POSH ET AL.
	Examiner	**Art Unit**	
	Maikhanh Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 May 2005_.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-24_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _21 February 2002_ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed 05/03/2005 to the

original application filed 02/21/2002.

2.   Claims 1-24 are pending in this application. Claims 1, 9, and 17 have been amended.

Claims 1, 9, and 17 are independent claims.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this
country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-15 and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by

Brown et al. (U.S. 5,887,133- issued 03/1999).

<u>**As to independent claim 9**</u>:

a.   Brown teaches *(col.3, lines 51-65)* a method of user-interactive document editing

(i.e., an original document is modified) on a display *(i.e., display them on a user*

set) comprising:

(i)   defining one segment of displayed data in a displayed document *(i.e.,*

locate the identifier portion of each of the original document

portions...identify the undesired original document portion; see the

abstract; col.3, line 67-col.4, line 4; and col.12, lines 12-18);

(ii)   defining another segment of displayed data in said displayed document

(i.e., sends the substitute document portion to the controller; see the

Abstract; col.4, line 10; and col.12, line 20);

(iii)   enabling a user to select to directly swap the one segment with the another

segment *(i.e., issuing a swap order when said undesired original*

document portion is found; col.4, lines 5-6 and col.12, lines 16-18); and

(iv)   swapping the positions of said segments of data with each other in a single

step independently of separately identifying a new location for each of the

one and other segments other than defining each segment responsive to a

user selection to swap *(i.e., a swapping device or mechanism inserts the*

substitute document portion in place of the original document portion; see

the abstract/a swapping means for inserting said substitute document

portion in place of said undesired original document portions to obtain

said modified document; col.12, lines 22-24).

As to dependent claim 10:

Brown teaches highlighting the one and another segments prior to swapping the positions

of the segments *(i.e., the user select the options "what to swap"; col.10, lines 60-62)*.

As to dependent claim 11:

Brown teaches the displayed data in the swapped segments is alphanumeric text *(i.e.,*

document portion; see the Abstract and col.6, lines 36-43).

As to dependent claim 12:

Brown teaches the alphanumeric text in each of the swapped segment is a phrase *(i.e.,*

when original document portion 100 is undesired, swapping mechanism 210 will issued

swapping order ..."remember to monitor your blood glucose level"; col.10, lines 33-43).

As to dependent claim 13:

Brown teaches the alphanumeric text in each of the swapped segments is a sentence *(i.e.,*

when original document portion 100 is undesired, swapping mechanism 210 will issued

swapping order ..."remember to monitor your blood glucose level"; col.10, lines 33-43).

As to dependent claim 14:

Brown teaches the alphanumeric text in each of the swapped segments is a paragraph *(the*

same procedure described in claims 12 and 13 above could be applied for swapping

paragraphs).

As to dependent claim 15:

Brown teaches the alphanumeric text in each of the swapped segments is at least one

page in length *(the same procedure described in claims 12 and 13 above could be applied*

for swapping pages).

As to independent claim 1:

It is directed to a system for performing the method of claim 9, and is similarly rejected

under the same rationale.

As to dependent claims 2-7:

They include the same limitations as in claims 10-15, and are similarly rejected under the same rationale.

As to independent claim 17:

It is directed a computer program for implementing the method of claim 9, and is similarly rejected under the same rationale.

As to dependent claims 18-23:

They include the same limitations as in claims 10-15, and are similarly rejected under the same rationale.

4.   Claims 8, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of **Aratani et al.** (U.S. 6,538,675 – filed 04/1999).

As to dependent claims 8, 16 and 24:

a.   Brown does not explicitly teach "swapping images."

b.   Aratani teaches swapping images *(e.g., switching images; Abstract & col.1, lines 58-62).*

c.   It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Aratani in the system of Brown because it would have provided the capability for increasing flexibility when editing a document.

Response to Arguments

5.   Applicant's arguments filed on 05/03/2005 have been fully considered but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Chung et al.   U.S. Patent No. 5,086,503   Issued: Feb. 4, 1992

Kwatinetz et al.   U.S. Patent No. 5,574,840   Issued: Nov. 12, 1996

Kwatinetz et al.   U.S. Patent No. 5,832,528   Issued: Nov. 3, 1998

Johnson et al.   U.S. Patent No. 6,341,801   Issued: Jan. 29, 2002

Johnson et al.   U.S. Patent No. 6,443,943   Issued: Sep. 3, 2002

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30

pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

MN

WILLIAM BASHORE
PRIMARY EXAMINER
7/7/2005